

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

DRAFT
10.5.07

BILL 16

LLS NO. 08-0308.01 Ed DeCecco

INTERIM COMMITTEE BILL

**Interim Committee on Allocation
of Severance Tax and Federal Mineral Lease Revenues**

SHORT TITLE: "Fed Mineral Lease Rev Reallocation"

A BILL FOR AN ACT

101 **CONCERNING THE ALLOCATION OF FEDERAL MINERAL LEASE**
102 **REVENUES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Allocation of Severance Tax and Federal Mineral Lease Revenues. As modified based on certain caps, requires federal mineral lease revenues to be distributed as follows:

- 50% to the state public school fund;
- 15% to the newly created higher education capital construction fund;
- 25% to the local government mineral impact fund; and

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- 10% to the Colorado water conservation board construction fund.

Establishes a cap for the distribution to the state public school fund that is equal to the amount of the federal mineral lease revenues distributed to the state public school fund in 2009, increased by 6% each year thereafter. Requires any moneys above the annual cap to be distributed to the higher education capital construction fund.

Requires the moneys in the local government mineral impact fund to be distributed as follows:

- The executive director of the department of local affairs (executive director) shall distribute 68% of the fund to the newly created mineral impact infrastructure financing authorities, up to an annual limit of \$20 million, and to local governments as direct grants.
- The state treasurer shall distribute 22% of the fund to counties based on each county's respective share of the total federal mineral lease revenues with the amount each county receives being further distributed as follows: 27% for school districts; 29% for municipalities; and 44% for the county.
- The executive director shall directly distribute 10% of the fund to counties based on the employee residence reports.

Establishes a cap of \$____ for the distribution to the Colorado water conservation board construction fund. Requires any moneys in excess of that cap to be transferred to the newly created mineral lease permanent/rainy-day fund.

Makes conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 34-63-102, Colorado Revised Statutes, is
3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **34-63-102. Creation of mineral leasing fund and local**
5 **government mineral impact fund - distribution - advisory committee**
6 **- definitions - repeal.** (1) (a) ON OR AFTER JANUARY 1, 2009, THE STATE
7 TREASURER SHALL DEPOSIT ALL MONEYS, INCLUDING ANY INTEREST
8 EARNED THEREFROM, NOW HELD OR TO BE RECEIVED BY THE STATE
9 TREASURER PURSUANT TO THE PROVISIONS OF THE FEDERAL "MINERAL
10 LANDS LEASING ACT" OF FEBRUARY 25, 1920, AS AMENDED, EXCEPT

1 THOSE MONEYS DESCRIBED IN SECTION 34-63-104, INTO THE MINERAL
2 LEASING FUND, WHICH IS HEREBY CREATED, FOR USE BY STATE AGENCIES,
3 PUBLIC SCHOOLS, AND POLITICAL SUBDIVISIONS OF THE STATE AS
4 DESCRIBED IN THIS SECTION FOR PLANNING, CONSTRUCTION, AND
5 MAINTENANCE OF PUBLIC FACILITIES AND FOR PUBLIC SERVICES.

6 (b) IN THE APPROPRIATION AND USE OF SUCH MONEYS, PRIORITY
7 SHALL BE GIVEN TO THOSE PUBLIC SCHOOLS AND POLITICAL SUBDIVISIONS
8 SOCIALLY OR ECONOMICALLY IMPACTED BY THE DEVELOPMENT,
9 PROCESSING, OR ENERGY CONVERSION OF FUELS AND MINERALS LEASED
10 UNDER THE FEDERAL MINERAL LANDS LEASING ACT.

11 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
12 THIS SUBSECTION (2), FIFTY PERCENT OF ALL MONEYS DESCRIBED IN
13 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL, UPON RECEIPT,
14 BE PAID INTO THE STATE PUBLIC SCHOOL FUND TO BE USED FOR THE
15 SUPPORT OF THE PUBLIC SCHOOLS OF THIS STATE.

16 (b) (I) ON OR AFTER JANUARY 1, 2010, THE AMOUNT PAID INTO
17 THE STATE PUBLIC SCHOOL FUND PURSUANT TO THIS SUBSECTION (2)
18 SHALL NOT EXCEED THE STATE PUBLIC SCHOOL FUND CAP FOR THAT
19 CALENDAR YEAR. ANY MONEYS IN EXCESS OF THE CAP SHALL, UPON
20 RECEIPT, BE PAID INTO THE HIGHER EDUCATION CAPITAL CONSTRUCTION
21 FUND CREATED IN SECTION _____, PURSUANT TO ____ BILL ____ ENACTED
22 AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
23 ASSEMBLY.

24 (II) THE STATE PUBLIC SCHOOL FUND CAP FOR THE 2010 CALENDAR
25 YEAR SHALL BE EQUAL TO THE TOTAL AMOUNT PAID TO THE STATE PUBLIC
26 SCHOOL FUND PURSUANT TO THIS SUBSECTION (2) DURING THE 2009
27 CALENDAR YEAR MULTIPLIED BY ONE HUNDRED SIX PERCENT. FOR EACH

1 YEAR THEREAFTER, THE AMOUNT OF THE CAP SHALL BE EQUAL TO THE CAP
2 FOR THE PRIOR YEAR MULTIPLIED BY ONE HUNDRED SIX PERCENT.

3 (3) FIFTEEN PERCENT OF ALL MONEYS DESCRIBED IN PARAGRAPH
4 (a) OF SUBSECTION (1) OF THIS SECTION SHALL, UPON RECEIPT, BE PAID
5 INTO THE HIGHER EDUCATION CAPITAL CONSTRUCTION FUND.

6 (4) (a) TWENTY-FIVE PERCENT OF ALL MONEYS DESCRIBED IN
7 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL, UPON RECEIPT,
8 BE PAID INTO THE LOCAL GOVERNMENT MINERAL IMPACT FUND, WHICH IS
9 HEREBY CREATED. THE TOTAL MONEYS IN THE FUND, LESS THE
10 DISTRIBUTIONS MADE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION
11 (4), SHALL BE DISTRIBUTED AS FOLLOWS:

12 (I) SIXTY-EIGHT PERCENT OF THE MONEYS IN THE LOCAL
13 GOVERNMENT MINERAL IMPACT FUND SHALL BE DISTRIBUTED BY THE
14 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS AS
15 FOLLOWS:

16 (A) UP TO TWENTY MILLION DOLLARS MAY BE DISTRIBUTED TO
17 MINERAL IMPACT INFRASTRUCTURE FINANCING AUTHORITIES, WHICH ARE
18 CREATED IN SECTION _____, PURSUANT TO ____ BILL ____ ENACTED AT
19 THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;
20 AND

21 (B) ANY MONEYS NOT DISTRIBUTED PURSUANT TO
22 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) SHALL BE
23 DISTRIBUTED IN ACCORDANCE WITH THE PURPOSES AND PRIORITIES
24 DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE EXECUTIVE
25 DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL DISTRIBUTE AT
26 LEAST SOME OF THESE MONEYS TO PUBLIC SCHOOLS AND POLITICAL
27 SUBDIVISIONS OF THE STATE THAT ARE NOT DIRECTLY IMPACTED BY THE

1 DEVELOPMENT, PROCESSING, OR ENERGY CONVERSION OF FUELS AND
2 MINERALS LEASED UNDER THE FEDERAL MINERAL LANDS LEASING ACT.

3 (II) IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (c) OF
4 THIS SUBSECTION (4), TWENTY-TWO PERCENT OF THE MONEYS IN THE
5 LOCAL GOVERNMENT MINERAL IMPACT FUND SHALL BE DISTRIBUTED BY
6 THE STATE TREASURER TEN WORKING DAYS AFTER RECEIPT OF THE LAST
7 MONTHLY PAYMENT IN EACH QUARTER AMONG THOSE RESPECTIVE
8 COUNTIES OF THIS STATE FROM WHICH THE FEDERAL LEASING MONEY IS
9 DERIVED IN PROPORTION TO THE AMOUNT OF THE FEDERAL LEASING
10 MONEY DERIVED FROM EACH OF THE RESPECTIVE COUNTIES FOR USE BY
11 THE COUNTIES FOR THE PURPOSES DESCRIBED IN SUBSECTION (1) OF THIS
12 SECTION AND FOR USE BY MUNICIPALITIES AND SCHOOL DISTRICTS WITHIN
13 THE COUNTIES.

14 (III) TEN PERCENT OF THE MONEYS IN THE LOCAL GOVERNMENT
15 MINERAL IMPACT FUND SHALL BE DISTRIBUTED ANNUALLY BY THE
16 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS TO EACH
17 COUNTY IN WHOSE UNINCORPORATED AREA EMPLOYEES OF A MINE OR
18 RELATED FACILITY FROM WHICH SUCH MONEY IS DERIVED RESIDE, IN THE
19 SAME PROPORTION THAT THE NUMBER OF SUCH EMPLOYEES BEARS TO THE
20 TOTAL NUMBER OF EMPLOYEES OF SUCH MINES AND RELATED FACILITIES
21 WHO RESIDE IN THE STATE AND TO EACH MUNICIPALITY IN WHICH
22 EMPLOYEES OF SUCH FACILITIES RESIDE, IN THE SAME PROPORTION THAT
23 THE NUMBER THEREOF BEARS TO THE TOTAL NUMBER OF EMPLOYEES OF
24 SUCH MINES AND RELATED FACILITIES WHO RESIDE IN THE STATE. THE
25 EMPLOYEE RESIDENCE REPORTS REQUIRED PURSUANT TO SECTION
26 39-29-110 (1) (d) (I), C.R.S., SHALL BE USED IN MAKING THE
27 DETERMINATIONS REQUIRED PURSUANT TO THIS SUBPARAGRAPH (III).

1 (b) (I) (A) IN THE FISCAL YEARS COMMENCING JULY 1, 2008, JULY
2 1, 2009, AND JULY 1, 2010, THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF LOCAL AFFAIRS SHALL TRANSFER THREE MILLION TWO
4 HUNDRED FIFTY THOUSAND DOLLARS OF THE MONEYS IN THE LOCAL
5 GOVERNMENT MINERAL IMPACT FUND TO THE STATE TREASURER, WHO
6 SHALL CREDIT THE MONEYS TO THE WILDFIRE PREPAREDNESS FUND
7 CREATED IN SECTION 23-31-309 (4), C.R.S.

8 (B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2011.

9 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
10 AFFAIRS MAY DISTRIBUTE MONEYS FROM THE LOCAL GOVERNMENT
11 MINERAL IMPACT FUND TO THE URANIUM MILL TAILINGS REMEDIAL ACTION
12 PROGRAM FUND CREATED IN SECTION 39-29-116 (2), C.R.S.

13 (c) EACH COUNTY SHALL NOTIFY THE STATE TREASURER TO
14 DISTRIBUTE AT LEAST TWENTY-SEVEN PERCENT OF THE MONEYS
15 DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION
16 (4) TO ANY SCHOOL DISTRICT WITHIN THE COUNTY SPECIFIED BY THE
17 BOARD OF COUNTY COMMISSIONERS FOR USE IN ACCORDANCE WITH THE
18 PURPOSES DESCRIBED IN SUBSECTION (1) OF THIS SECTION. EACH COUNTY
19 SHALL ALSO NOTIFY THE STATE TREASURER TO DISTRIBUTE AT LEAST
20 TWENTY-NINE PERCENT OF THE MONEYS DESCRIBED IN SAID
21 SUBPARAGRAPH (II) AMONG THE MUNICIPALITIES WITHIN THE COUNTY
22 ACCORDING TO THE PERCENTAGE THAT THE POPULATION WITHIN EACH
23 MUNICIPALITY BEARS TO THE TOTAL POPULATION OF ALL MUNICIPALITIES
24 LOCATED WITHIN THE COUNTY. THE REMAINING FORTY-FOUR PERCENT OF
25 THE MONEYS DESCRIBED IN SAID SUBPARAGRAPH (II) SHALL BE FOR THE
26 COUNTY ITSELF. THE STATE TREASURER SHALL NOT DISBURSE FUNDS TO
27 A COUNTY UNDER SAID SUBPARAGRAPH (II) UNTIL THE NOTIFICATION

1 REQUIRED PURSUANT TO THIS PARAGRAPH (c) IS RECEIVED. FOR PURPOSES
2 OF THIS PARAGRAPH (c), "POPULATION" MEANS THE MOST RECENT
3 POPULATION ESTIMATE AT THE TIME OF THE DISTRIBUTION OF THE
4 MINERAL LEASING FUND AS PREPARED BY THE DEMOGRAPHIC SECTION OF
5 THE DIVISION OF LOCAL GOVERNMENT.

6 (d) (I) NO STATE AGENCY OR OFFICE SHALL EXPEND ANY MONEYS
7 RECEIVED FROM THE LOCAL GOVERNMENT MINERAL IMPACT FUND UNLESS
8 SUCH EXPENDITURE IS AUTHORIZED BY LEGISLATIVE APPROPRIATION
9 SEPARATE FROM THE PROVISIONS OF THIS SECTION; EXCEPT THAT, IF THE
10 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS WITH THE
11 CONCURRENCE OF THE GOVERNOR DETERMINES THAT A LOCAL
12 GOVERNMENT EMERGENCY EXISTS, THE STATE AGENCY OR OFFICE MAY
13 EXPEND ANY MONEYS RECEIVED FROM THE LOCAL GOVERNMENT MINERAL
14 IMPACT FUND WITHOUT FURTHER APPROPRIATION. IN THE EVENT MONEYS
15 ARE EXPENDED BASED ON A DETERMINATION THAT A LOCAL GOVERNMENT
16 EMERGENCY EXISTS, THE DEPARTMENT OF LOCAL AFFAIRS SHALL NOTIFY
17 THE LEGISLATIVE COUNCIL OF THE EXPENDITURE.

18 (II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d)
19 SHALL NOT APPLY TO ANY MONEYS RECEIVED BY A STATE-SUPPORTED
20 INSTITUTION OF HIGHER EDUCATION THAT PROVIDES JOB TRAINING OR
21 FACILITIES RELATED TO ENERGY DEVELOPMENT FOR COUNTIES OR
22 COMMUNITIES WITH ENERGY IMPACTS. SUCH A STATE-SUPPORTED
23 INSTITUTION OF HIGHER EDUCATION MAY ACCEPT AND EXPEND MONEYS
24 FROM THE LOCAL GOVERNMENT IMPACT FUND.

25 (e) ALL INCOME AND INTEREST DERIVED FROM THE DEPOSIT AND
26 INVESTMENT OF THE MONEYS IN THE LOCAL GOVERNMENT MINERAL
27 IMPACT FUND SHALL BE CREDITED TO THE FUND.

1 (f) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF
2 LOCAL AFFAIRS AN ENERGY IMPACT ASSISTANCE ADVISORY COMMITTEE.
3 THE COMMITTEE SHALL BE COMPOSED OF THE EXECUTIVE DIRECTOR OF
4 THE DEPARTMENT OF LOCAL AFFAIRS, THE EXECUTIVE DIRECTOR OF THE
5 DEPARTMENT OF NATURAL RESOURCES, THE COMMISSIONER OF
6 EDUCATION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
7 TRANSPORTATION, AND FIVE RESIDENTS OF AREAS IMPACTED BY ENERGY
8 CONVERSION OR MINERAL RESOURCE DEVELOPMENT. THE FIVE RESIDENTS
9 SHALL BE APPOINTED BY THE GOVERNOR FOR TERMS NOT EXCEEDING FOUR
10 YEARS TO SERVE AT THE PLEASURE OF THE GOVERNOR. THE EXECUTIVE
11 DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ACT AS
12 CHAIRPERSON OF THE COMMITTEE. MEMBERS OF THE COMMITTEE SHALL
13 SERVE WITHOUT ADDITIONAL COMPENSATION; EXCEPT THAT THE FIVE
14 MEMBERS FROM ENERGY IMPACT AREAS SHALL BE ENTITLED TO
15 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES. ANY MEMBER
16 OF THE COMMITTEE WHO IS A STATE OFFICIAL MAY DESIGNATE
17 REPRESENTATIVES OF HIS OR HER AGENCY TO SERVE ON THE COMMITTEE
18 IN HIS OR HER ABSENCE. THE CHAIRPERSON SHALL CONVENE THE
19 ADVISORY COMMITTEE FROM TIME TO TIME AS HE OR SHE DEEMS
20 NECESSARY. SUCH ADVISORY COMMITTEE SHALL CONTINUOUSLY REVIEW
21 THE EXISTING AND POTENTIAL IMPACT OF THE DEVELOPMENT,
22 PROCESSING, OR ENERGY CONVERSION OF MINERAL AND FUEL RESOURCES
23 ON VARIOUS AREAS OF THE STATE, INCLUDING THOSE AREAS INDIRECTLY
24 AFFECTED, AND SHALL MAKE CONTINUING RECOMMENDATIONS TO THE
25 DEPARTMENT OF LOCAL AFFAIRS, INCLUDING, BUT NOT LIMITED TO, THOSE
26 ACTIONS DEEMED REASONABLY NECESSARY AND PRACTICABLE TO ASSIST
27 IMPACTED AREAS WITH THE PROBLEMS OCCASIONED BY SUCH

1 DEVELOPMENT, PROCESSING, OR ENERGY CONVERSION, THE IMMEDIATE
2 AND PROJECTED PROBLEMS THAT THE LOCAL GOVERNMENTS ARE
3 EXPERIENCING IN PROVIDING GOVERNMENTAL SERVICES, THE EXTENT OF
4 LOCAL TAX RESOURCES AVAILABLE TO EACH UNIT OF LOCAL
5 GOVERNMENT, THE EXTENT OF LOCAL TAX EFFORT IN SOLVING ENERGY
6 IMPACTED PROBLEMS, AND OTHER PROBLEMS THAT THE AREAS HAVE
7 EXPERIENCED, SUCH AS HOUSING AND ENVIRONMENTAL CONSIDERATIONS,
8 WHICH HAVE DEVELOPED AS A DIRECT RESULT OF ENERGY IMPACT.

9 (g) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
10 AFFAIRS SHALL FILE WITH THE GENERAL ASSEMBLY ANNUALLY BEFORE
11 FEBRUARY 1 A DETAILED ACCOUNTING OF THE DISTRIBUTION OF FUNDS
12 FOR THE PREVIOUS YEAR.

13 (5) TEN PERCENT OF ALL MONEYS DESCRIBED IN PARAGRAPH (a)
14 OF SUBSECTION (1) OF THIS SECTION SHALL, UPON RECEIPT, BE PAID INTO
15 THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND
16 CREATED BY SECTION 37-60-121, C.R.S., FOR APPROPRIATION BY THE
17 GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF SECTION
18 37-60-122, C.R.S., AND FOR USE IN ACCORDANCE WITH THE PURPOSES AND
19 PRIORITIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION; EXCEPT THAT
20 ANY AMOUNT OF SAID TEN PERCENT IN EXCESS OF [REDACTED] MILLION DOLLARS
21 PER CALENDAR YEAR SHALL BE TRANSFERRED TO THE MINERAL LEASE
22 PERMANENT/RAINY-DAY FUND CREATED IN SECTION _____ PURSUANT TO
23 ____ BILL ____ DURING THE SECOND REGULAR SESSION OF THE
24 SIXTY-SIXTH GENERAL ASSEMBLY.

25 **SECTION 2.** 23-31-309 (4) (a), Colorado Revised Statutes, is
26 amended to read:

27 **23-31-309. Wildfire emergency response fund - creation -**

1 **wildfire preparedness fund - creation.** (4) (a) There is hereby created
2 in the state treasury the wildfire preparedness fund. The fund shall
3 consist of all moneys that may be appropriated thereto by the general
4 assembly, all private and public moneys received through gifts, grants,
5 reimbursements, or donations that are transmitted to the state treasurer
6 and credited to the fund, and all moneys transferred to the fund pursuant
7 to ~~section 34-63-102 (5) (a) (i)~~ SECTION 34-63-102, C.R.S. All interest
8 earned from the investment of moneys in the fund shall be credited to the
9 fund. The moneys in the fund are hereby continuously appropriated for
10 the purposes indicated in this subsection (4). Any moneys not expended
11 at the end of the fiscal year shall remain in the fund and shall not be
12 transferred to or revert to the general fund.

13 **SECTION 3.** 39-22-307 (2) (a), Colorado Revised Statutes, is
14 amended to read:

15 **39-22-307. Credit allowed for prior payment of impact**
16 **assistance.** (2) Eligible contributions, for the purpose of such credit,
17 shall include the donation of property or payments to units of local
18 government for use in the planning or construction or expansion of public
19 facilities, limited to roads, schools, water facilities, sewerage facilities,
20 police and fire protection facilities, and hospitals, which are deemed to be
21 necessitated by the initiation of a new operation or an expansion of an
22 existing operation. In order to qualify as an eligible contribution for
23 credit, the following requirements shall be fulfilled:

24 (a) Each contribution shall be based on an agreement between the
25 taxpayer and a unit of local government specifying the need for such
26 contribution and its nature, value, and purpose. Such agreement shall be
27 submitted for review to each unit of local government which is impacted

1 by the new operation or the expansion of an existing operation. Each
2 impacted unit of local government may send comments on the agreement
3 to the parties to the agreement and the energy impact assistance advisory
4 committee pursuant to ~~section 34-63-102 (5) (b)~~ SECTION 34-63-102,
5 C.R.S.

6 **SECTION 4. Repeal.** 39-29-110 (1) (a) (II), Colorado Revised
7 Statutes, is repealed as follows:

8 **39-29-110. Local government severance tax fund - creation -**
9 **administration - energy impact assistance advisory committee**
10 **created - definitions - repeal.** (1) (a) (II) ~~On or before December 31 in~~
11 ~~the calendar year in which the state treasurer receives notification of the~~
12 ~~election by the county pursuant to section 34-63-102 (3) (c) (H) (A),~~
13 ~~C.R.S., the executive director of the department of local affairs shall~~
14 ~~distribute to each county making such election an amount equal to the~~
15 ~~amount attributable to that county that was transferred to the local~~
16 ~~government mineral impact fund pursuant to section 34-63-102 (3) (c) (H)~~
17 ~~(B), C.R.S.~~

18 **SECTION 5.** 39-29-116 (3) (a) and (3) (d), Colorado Revised
19 Statutes, are amended to read:

20 **39-29-116. Uranium mill tailings remedial action program**
21 **fund - creation - oversight committee - repeal.** (3) (a) The state
22 treasurer is authorized to accept and credit to the uranium mill tailings
23 remedial action program fund any donations received by the state for the
24 express purpose of projects for the cleanup of uranium mill tailings. Such
25 donations may include any amounts made available from the local
26 government severance tax fund and the local government mineral impact
27 fund as directed by the executive director of the department of local

1 affairs pursuant to section 39-29-110 and ~~section 34-63-102 (5)~~ section
2 34-63-102, C.R.S., and with the approval of the oversight committee as
3 created in subsection (4) of this section. It is the intent of the general
4 assembly that a minimum of six million dollars be retained in the local
5 government severance tax fund and the local government mineral impact
6 fund for grants and loans to local communities.

7 (d) For fiscal years after 1996-97, the executive director of the
8 department of local affairs may distribute moneys from the local
9 government mineral impact fund and the local government severance tax
10 fund pursuant to ~~sections 34-63-102 (5)~~ sections 34-63-102, C.R.S., and
11 39-29-110 (1) (b) (III) (A), C.R.S., respectively.

12 **SECTION 6. Effective date.** This act shall take effect January
13 1, 2009.

14 **SECTION 7. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety. (ASK
17 COMMITTEE)